



Attorney Docket No.  
67175524.001601

**SIN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Eric Donsky

Application No.: 10/800,398

Group Art Unit: 1743

Filing Date: March 12, 2004

Examiner: Latoya Cross

For: Systems and Methods for Delivering a Sample  
Fluid to a Receiving Substrate

**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being transmitted via facsimile to (571)273-8300 on the date shown below to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313, on the date set forth below.

Scarlett Pereida

(Name)

(Date)

9/29/2005

*Scarlett Pereida*  
Signature

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

The following is a response to the Examiner's Action dated June 29, 2005. A check in the amount of \$225 is submitted herewith for a request for two-month extension of time. With the granting of this request, Applicant believes that this Response is timely filed.

The Restriction Requirement indicates that the claims in the present application must be restricted to one of the following inventions in accordance with 35 U.S.C. 121:

1. Claims 1-32, drawn to an osmolarity measuring system, classified in Class 422, subclass 50.
2. Claims 33-61, drawn to an osmolarity measuring system, classified in Class 422, subclass 50.

During a teleconference with the examiner, Applicant's attorney elected to pursue claims 1-32 and withdraw claims 33-61. The Restriction Requirement goes on to state, however, that

the application contains claims directed to the following patentable distinct species for the receiving device in the claimed invention:

- a. wherein the receiving device comprises a rubber plug,
- b. wherein the receiving device comprises 4 sets,
- c. wherein the receiving device comprises a block having a glue, or
- d. wherein the receiving device comprises a metal line.

The Restriction Requirement further indicates that the Application contains claims directed to the following patentable distinct species for the translation system in the claimed invention:

- a. wherein the translation system comprises a non-tapered cylindrical screws,
- b. wherein the translation system comprises a coarse translation screw and a fine translation screws, or
- c. wherein the translation system comprises an electric field.

The Restriction Requirement indicates that Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claim shall be restricted in the event a generic claim is finally held to be allowable. The Restriction indicates that claims 1 and 33 are generic.

Applicant has previously elected to pursue generic claim 1. Applicant now further elects to pursue the species directed to the invention as claimed in claim 1, wherein the translation system comprises an electric field. Applicant believes that claims 19-22 are directed to the species. Further, Applicant believes that claims 2, 3, 4, 13, 23, 24, 25, 29, 30, 31, and 32 are not subject to restriction. Accordingly, Applicant elects to pursue claims 1-4, 13, 19-25, and 29-32. The remaining claims, i.e., 5-12, 14-18, and 26-28, as well as claims 33-61, are hereby withdrawn.

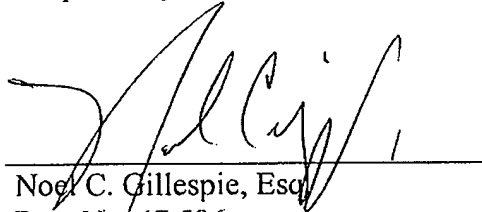
Applicant withdraws the above claims without prejudice and expressly reserves the right to pursue any patentable subject matter contained in these claims at a later date.

The Commissioner is hereby authorized to charge any additional fees or credit any over payments due with this response to deposit account 13-0480 referencing attorney docket number 67175524-001601.

Respectfully Submitted,

Date: September 29, 2005

By:

A handwritten signature in black ink, appearing to read 'Noel C. Gillespie', is written over a horizontal line.

Noel C. Gillespie, Esq.  
Reg. No. 47,596  
Baker & McKenzie  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201  
Telephone: (619) 235-7753  
Facsimile (214) 978-3099